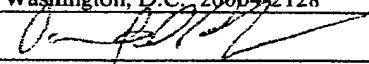
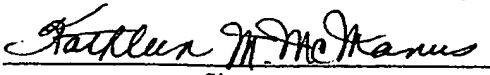


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TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	10/069,978
		Filing Date	03/14/2002
		First Named Inventor	Nils Peter REENBERG
		Group Art Unit	2643
		Examiner Name	Tuan Duc Nguyen
Total Number of Pages in This Submission	9	Attorney Docket Number	742111-133

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Declaration and Power of Attorney <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Application Data Sheet <input type="checkbox"/> Request for Corrected Filing Receipt with Enclosures <input type="checkbox"/> A self-addressed prepaid postcard for acknowledging receipt <input type="checkbox"/> Other Enclosure(s) (please identify below): 1. Petition to Revive Unavoidably Abandoned Application 2. Copy of PAIR for S.N. 10/069,978 dated March 9, 2005 3. Copy of Delivery Notice dated December 10, 2004 4. Copy of Request for Reissuance of Office Action and Contingent Petition dated December 10, 2004 5. Copy of Printout of docket entries
Remarks	<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 19-2380 for the above identified docket number.	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	David S. Safran, Reg. No. 27,997 Nixon Peabody LLP 401 9 th Street, N.W. Suite 900 Washington, D.C. 20004-2128
Signature	
Date	March 10, 2005

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]	
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<input checked="" type="checkbox"/> transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306 _____	
March 10, 2005 Date	 Signature Kathleen M. McManus Typed or printed name

W641167.1

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FEE TRANSMITTAL FOR FY 2005

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$250.00)

Complete if Known

Application Number 10/069,978
Filing Date 03/14/2002
First Named Inventor Nils Peter REENBERG
Examiner Name 2643
Art Unit Tuan Duc Nguyen
Attorney Docket No. 742111-133

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number 19-2380(742111-133)

Deposit Account Name Nixon Peabody LLP

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
1001	300	2001	150	Utility filing fee	
1002	200	2002	100	Design filing fee	
1003	200	2003	100	Plant filing fee	
1004	300	2004	150	Reissue filing fee	
1005	200	2005	100	Provisional filing fee	

SUBTOTAL (1) (\$ 0)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims -20** = X = Fee Paid

Independent Claims -3** = X = Fee Paid

Multiple Dependent X = Fee Paid

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description
1202	50	2202	25	Claims in excess of 20
1201	200	2201	100	Independent claims in excess of 3
1203	360	2203	180	Multiple dependent claim, if not paid
1204	200	2204	100	** Reissue independent claims over original patent
1205	50	2205	25	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0)

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description
1051	130	2051	65	Surcharge - late filing fee or oath
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet
1053	130	1053	130	Non-English specification
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action
1251	120	2251	60	Extension for reply within first month
1252	450	2252	225	Extension for reply within second month
1253	1,020	2253	510	Extension for reply within third month
1254	1,590	2254	795	Extension for reply within fourth month
1255	2,160	2255	1,080	Extension for reply within fifth month
1401	500	2401	250	Notice of Appeal
1402	500	2402	250	Filing a brief in support of an appeal
1403	1,000	2403	500	Request for oral hearing
1451	1,510	1451	1,510	Petition to institute a public use proceeding
1452	500	2452	250	Petition to revive - unavoidable
1453	1,500	2453	750	Petition to revive - unintentional
1501	1,400	2501	700	Utility issue fee (or reissue)
1502	800	2502	400	Design issue fee
1503	1,100	2503	550	Plant issue fee
1460	130	1460	130	Petitions to the Commissioner
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)
1806	180	1806	180	Submission of Information Disclosure Stmt
8021	40	8021	40	Recording each patent assignment per property (times number of properties)
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))
1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))
1801	790	2801	395	Request for Continued Examination (RCE)
1802	900	1802	900	Request for expedited examination of a design application

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$250.00)

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☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306

March 10, 2005

Date

Kathleen M. McManus
Signature

Kathleen M. McManus

Typed or printed name

SUBMITTED BY

Name (Print/Type)	David S. Satran	Registration No. (Attorney/Agent)	27,997	Telephone	(703) 827-8094
Signature	<i>David S. Satran</i>			Date	March 10, 2005

SEND TO: Commissioner for Patents
P.O. Box 1450
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Docket No. 742111-133

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)	
Nils Peter REENBERG)	Examiner: Tuan Duc Nguyen
Serial No. 10/069,978)	Group Art Unit: 2643
Filed: 03/14/2002)	
For: DIAPHRAGM TRANSDUCER)	

CERTIFICATE OF TRANSMISSION

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Kathleen M. McManus

PETITION TO REVIVE UNAVOIDABLY ABANDONED APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On December 10, 2004, a Request for Reissuance of Office Action and Contingent Petition was filed in the USPTO by telefax with a Certificate of Mailing. A copy of this Request and delivery acknowledgement are attached hereto. On December 14, 2004, a Notice of Abandonment was issued, and while the Examiner was subsequently advised by telephone of the filing of this Request which included a contingent petition to revive, however, as of yet, since no action had been taken by the Office, the status of this matter was checked via PAIR, and it was noted that applicant's request still has not been entered into the file of the present application (see attached printout of the PAIR record as of March 9, 2005). Thus, applicant is now formally petitioning that this application be revived as having become abandoned as a result of unavoidable circumstances. That is, as noted in the December 10th Request, the undersigned first learned that an Office Action had been issued in connection with the above-captioned patent application on February 5, 2004, as a result of a telephone call from the Examiner December 7, 2004. However, the indicated Office Action was never received by applicant's attorneys (in fact its content is still unknown). The fact that the Office Action was never received is reflected by that appended printout of the docket entries for the subject application which the undersigned

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printed out from his firm's docketing system at the time he first learned of this situation. As can be seen from this printout, the receipt of an Office Action is not listed, the last entry being the filing of a status inquiry letter with the Office in September of 2003. The "closed by script" designation in the "Action Notes" column is the result of a program that was run when the undersigned's firm converted from one docketing to another docketing system and which automatically closed all open items, the date for action of which had passed. Furthermore, since the initial Office Actions from electrical technology centers routinely take two years or more to be issued*, applicant had no reason to suspect that an Office Action might have been issued.

Thus, since the Office Action was evidently lost in the mails, applicant's failure to respond to the Office Action of February 5, 2004, the failure to receive the Office Action made it unavoidable that a response thereto would not be filed.

Please charge the Petition to revive – unavoidable fee of \$250.00 to Deposit Account No. 19-2380(742111-133); however, if deemed necessary, in order to have the application reinstated and a new Office Action issued, for revival, as an unintentional abandonment instead of an unavoidable one, then the Commissioner is hereby authorized to charge such fee or any other fees connected with this filing which may be required now, or credit any overpayment to Deposit Account No. 19-2380(742111-133)

Respectfully submitted,

By: _____

David S. Safran
Registration No. 27,997

NIXON PEABODY LLP
Suite 900
401 9th Street, N.W.
Washington D.C. 20004

Telephone: (703) 827-8094
DSS:kmm

* The March 8, 2005, Office Gazette indicates that the average filing date of applications receiving a first office during the past three months from Technology Center 2640 is only now June 2, 2002.

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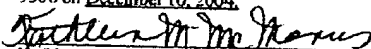
Docket No. 742111-133

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)	
Nils Peter REENBERG)	Examiner: Tuan Duc Nguyen
Serial No. 10/069,978)	Group Art Unit: 2643
Filed: 03/14/2002)	
For: DIAPHRAGM TRANSDUCER)	

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I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office: Fax No. (703) 872-9306 on December 10, 2004.


Kathleen M. McManus

**REQUEST FOR REISSUANCE OF OFFICE ACTION
AND CONTINGENT PETITION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

As a result of a telephone call from the Examiner December 7, 2004, it was first learned that an Office Action had been issued in connection with the above-captioned patent application on February 5, 2004. However, the indicated Office Action was never received by applicant's attorneys. This fact is reflected by that appended printout of the docket entries for the subject application which the undersigned printed out from his firm's docketing system. As can be seen, the receipt of an Office Action is not listed, the last entry being the filing of a status inquiry letter with the Office in September of 2003. The "closed by script" designation in the "Action Notes" column is the result of a program that was run when the undersigned's firm converted from one docketing to another docketing system and which automatically closed all open items the date for action of which had past.

Thus, since the Office Action was evidently lost in the mails, it is requested that the Office Action of February 5, 2004, be rescinded and reissued with a new period for response. However, should the application be deemed abandoned for failure to respond, it is requested that this be deemed a petition to review due to unavoidable abandonment, the failure to

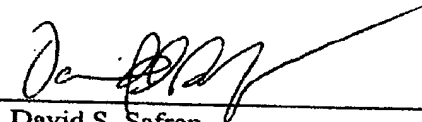
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receive the Office Action having made it unavoidable that a response thereto would not be filed.

If the above circumstances require payment of a fee in order to have the application reinstated and a new Office Action issued, then the Commissioner is hereby authorized to charge any fees connected with this filing which may be required now, or credit any overpayment to Deposit Account No. 19-2380(742111-133)

Respectfully submitted,

By:



David S. Safran
Registration No. 27,997

NIXON PEABODY LLP
Suite 900
401 9th Street, N.W.
Washington D.C. 20004

Telephone: (703) 827-8094

W624542.1